

Attorney Docket No.: 047542/0197

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re the application of: William Hubbard et al.
Serial No.: 09/626,326
Filed: July 26, 2000
Art Unit: 1653
Examiner: T. Strzelecka
Title: TISSUE
AUGMENTATION MATERIAL
AND METHOD



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on

December 4, 2001

Date

JORIE JOHNSON

Name

Jorie Johnson

Signature

**SUPPLEMENTAL PAYMENT OF FEES
AND NOTIFICATION OF CHANGE OF SMALL ENTITY STATUS**

Assistant Commissioner for Patents
Washington, D.C. 20231

Adjustment date: 01/15/2002 MWOLDER1
05/09/2001 NYUSUF1 00000015 09626326
02-FC:203 -126.00-OP

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OFFICE OF PETITIONS

Dear Sir:

Applicant previously paid a number of fees while designated as a small entity in the United States Patent and Trademark Office at that time. Applicant itself is in fact a small entity. However, before these payments were made, a license was in place in which a licensee of Applicant had assigned its rights under the application to a third party and Applicant now realizes this license affects this particular patent and that the licensee had over 500 employees at the time of the fee payments. For this reason, Applicant believes that it mistakenly paid small entity fees when large entity fees were due. Applicant submits that the payment of these fees while designated as a small entity was a mistake that was made in good faith and there was no deceptive intent at any time on the part of the Applicant.

To correct this good faith error and pursuant to 37 C.F.R. § 1.28(c), Applicant encloses a check for \$935.00 for the deficiencies due. The deficiency payments are itemized as follows:

Adjustment date: 01/15/2002 MWOLDER1
08/04/2000 IARTIS 00000011 09626326
01 FC:201 -345.00-OP
02 FC:202 -78.00-OP
03 FC:203 -324.00-OP

Type of Fee	Current Fee Amount	Amount Previously Paid	Date of Original Payment	Deficiency Owed
Application Filing Fee	\$740.00	\$345.00	July 26, 2000	\$395.00
Additional Claims	\$816.00	\$402.00	July 26, 2000	\$414.00
Additional Claims	\$252	\$126	May 3, 2001	\$126.00
			Total Deficiency:	\$935.00

Applicant now also wishes to inform the Examiner that it is not a Small Entity for any future actions regarding this application.

If the Examiner has any questions concerning this issue, he is encouraged to contact Michael D. Rechtin, attorney for Applicant, at his earliest convenience.

The Assistant Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account Number 06-1450 of Foley & Lardner. A duplicate copy of this communication is attached.

Respectfully submitted,



Michael D. Rechtin
Reg. No. 30,128

Date: Dec. 4, 2001

Foley & Lardner
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Chicago, Illinois 60611
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